



Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Kevin M. Burke  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Board of Building Regulations and Standards*

*One Ashburton Place, Room 1301*

*Boston, Massachusetts 02108-1618*

*Phone (617) 727-7532 Fax (617) 227-1754*

*TTY (617) 727-0019*

*www.mass.gov/dps*

Thomas G. Gatzunis, P.E.  
Commissioner

Alexander MacLeod, R.A.  
Chairman

Gary Moccia, P.E.  
Vice Chairman

Robert Anderson  
Administrator

Date: October 27, 2009

Name of Appellant: Rosie's Place

Service Address: Patricia Seitz  
Seitz Architects, Inc.  
33 1/2 Union Square  
Somerville, MA. 02143

In reference to: Rosie's Place  
887 Harrison Avenue  
Boston, MA.

Docket Number: 09-776

Property Address: Rosie's Place  
887 Harrison Avenue  
Boston, MA.

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

**BUILDING CODE APPEALS BOARD**

*Patricia Barry*  
Patricia Barry, Clerk

cc: Building Code Appeals Board  
Building Official

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-776**

Appellant(s): Rosie's Place  
represented by Patricia Seitz, Seitz Architects Inc.

vs.

Appellee(s): City/Town of Boston  
Kenneth Morin

**Procedural History**

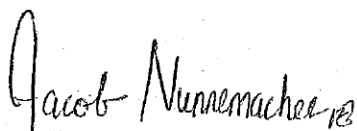
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6<sup>th</sup> edition 780 CMR 705.2 for 887 Harrison Avenue, Boston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Patricia Seitz and Emily Neumann appeared and testified on behalf of the appellant.

**Discussion**

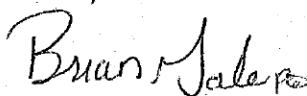
After testimony a motion was made to grant the Appellant's request for a variance to the 6<sup>th</sup> Edition 780 CMR 705.2 to allow for a door opening and window openings to be installed along the lot line based on the fact that both properties are owned by Rosie's Place. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

The Appellant's request for a variance to the 780 CMR 705.2 is hereby **granted** as described in the discussion above and so ordered<sup>2</sup> on this date: August 25, 2009.



Jacob Nunnemacher



Brian Gale



Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.